



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/19/2024

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

RESOLUTION: P16RZ00010 6500 WESTOVER AV, LLC – S. WESTOVER AVENUE REZONING

**\*Introduction/Background:**

The Board of Supervisors approved a five-year time extension subject to modified standard and special conditions on October 17, 2023.

**\*Discussion:**

The time limit and rezoning conditions contained in Rezoning Ordinance 2021-2, may be modified by resolution

**\*Conclusion:**

The resolution reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

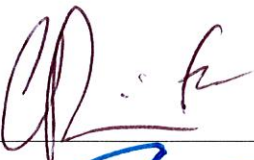


1    2    3    4    5    All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: _____		Date: <u>2/28/24</u>
Deputy County Administrator Signature: _____		Date: <u>3/1/2024</u>
County Administrator Signature: _____		Date: <u>3/4/2024</u>



Subject: P16RZ00010

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**MARCH 19, 2024 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
**DATE:** February 27, 2024

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**RESOLUTION FOR ADOPTION**

**P16RZ00010 6500 WESTOVER AV, LLC – S. WESTOVER AVENUE REZONING**  
Owner: Valencia Westover LLC  
(District 5)

**If approved, adopt RESOLUTION NO. 2024 - \_\_\_\_\_**

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**OWNERS:** Valencia Westover LLC  
Attn: Accounting Department  
2870 N Swan Rd, Suite 100  
Tucson, AZ 85712

**AGENT:** The Planning Center  
Attn: Brian Underwood, Planning Director  
2 E. Congress St, Suite 600  
Tucson, AZ 85701

**DISTRICT:** 5

**STAFF CONTACT:** Donna Spicola, Senior Planner

**STAFF RECOMMENDATION:** APPROVAL

TD/DS  
Attachments

c: The Planning Center, Attn: Brian Underwood, Planning Director

RESOLUTION 2023-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE P16RZ00010 6500 WESTOVER AV, LLC – S. WESTOVER AVENUE REZONING; LOCATED ON THE SOUTHWEST CORNER OF W. VALENCIA ROAD AND S. WESTOVER AVENUE, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FOURTH IN SECTION 3 OF ORDINANCE NO. 2021-2.

The Board of Supervisors of Pima County, Arizona finds that:

1. On November 22, 2016, in rezoning case P16RZ00010, the Pima County Board of Supervisors approved the rezoning of approximately .91 acres located on the southwest corner of W. Valencia Road and S. Westover Avenue, as shown on Exhibit A, from the GR-1 (Rural Residential) to the CB-1 (Local Business) zone, subject to standard and special conditions.
2. On January 19, 2021, the Pima County Board of Supervisors adopted rezoning Ordinance 2021-2, recorded in Sequence No. 20210210919, rezoning the approximate .91 acres described in rezoning case P16RZ00010 and memorializing the standard and special conditions.
3. The owner applied for a five-year rezoning time extension of the time limit set forth in Section 3 of Ordinance 2021-2.
4. On October 17, 2023, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. Section 4 of Ordinance No. 2021-2 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2021-2, are restated and modified as follows:

- ~~1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~

21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
32. Transportation conditions:
  - A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
  - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road. The location of the shared access drive on Valencia Road shall be determined at time of permit submittal.
  - C. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the development plan submittal. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner(s).
  - D. Coordination with the Department of Transportation is required to determine TIS assumptions and shall incorporate in the analysis any nearby and recently approved rezoning projects and developments.
  - E. Sidewalk and curbing requirements along the property frontage on Valencia Road and Westover Avenue shall be determined at time of permit submittal.
  - F. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least five-foot-wide, from the Valencia Road and Westover Avenue intersection to the bus stop located west of the project site adjacent to the Walmart. The location of the path or sidewalk shall be determined at the time of permitting.
  - G. The one-foot no access easement along the Valencia Road frontage may require abandonment or reconfiguration with Department of Transportation and Real Property Services.
3. Regional Flood Control conditions:
  - A. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
  - B. The first one inch of Rainfall (first flush retention) shall be provided in Low Impact Development practices distributed throughout the site.
  - C. Impacts to Valencia Wash and the south offsite drainage infrastructure is prohibited.
4. Regional Wastewater Reclamation conditions:
  - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

- D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.~~
  6. Cultural Resources condition: ~~OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: [Cultural.Resources.DSD@pima.gov](mailto:Cultural.Resources.DSD@pima.gov), for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.~~  
In the event that ancestral remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are encountered during construction, all ground disturbing activities must cease within 50 ft of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the encounter or disturbance of the remains at (520) 626-0320 so that appropriate arrangements can be made for the repatriation and reburial by cultural groups who claim cultural or religious affinity to them. The ancestral remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
  7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
  8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
  9. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner

any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 2. The time limit in Section 3 of Ordinance 2021-2, is amended and extended as follows:

1. Conditions 1 through 9 shall be completed by November 22, 2021 2026.

Section 3. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Jacob Kavkewitz

APPROVED:

  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

# EXHIBIT A

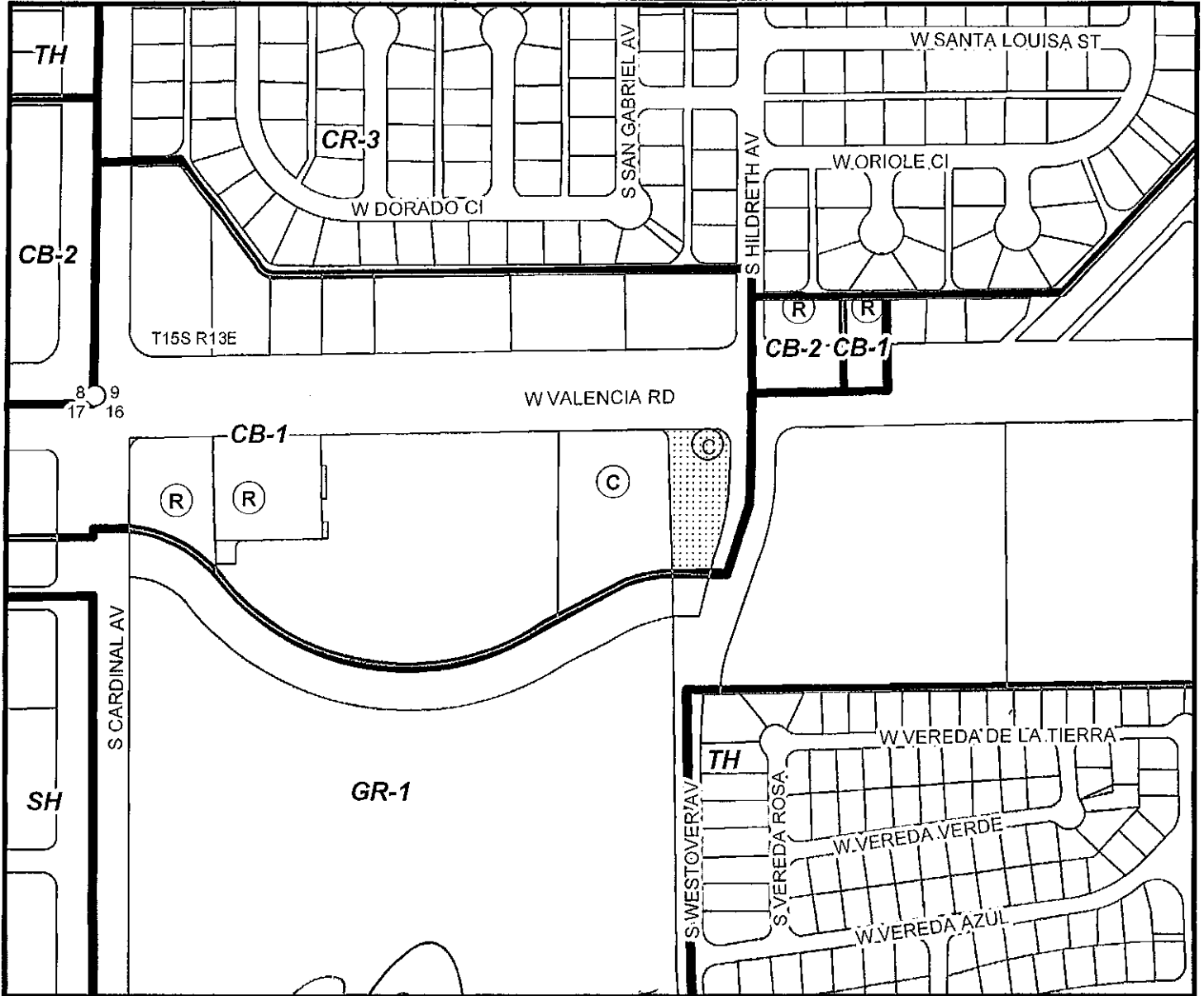
AMENDMENT NO. 55 BY ORDINANCE NO. 2021-2  
TO PIMA COUNTY ZONING MAP NO. 62 TUCSON AZ. LOCATED  
IN THE NW 1/4 OF SECTION 16 OF T15S R13E.



0 80 160 320 Feet



ADOPTED: January 19, 2021 EFFECTIVE: January 19, 2021



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

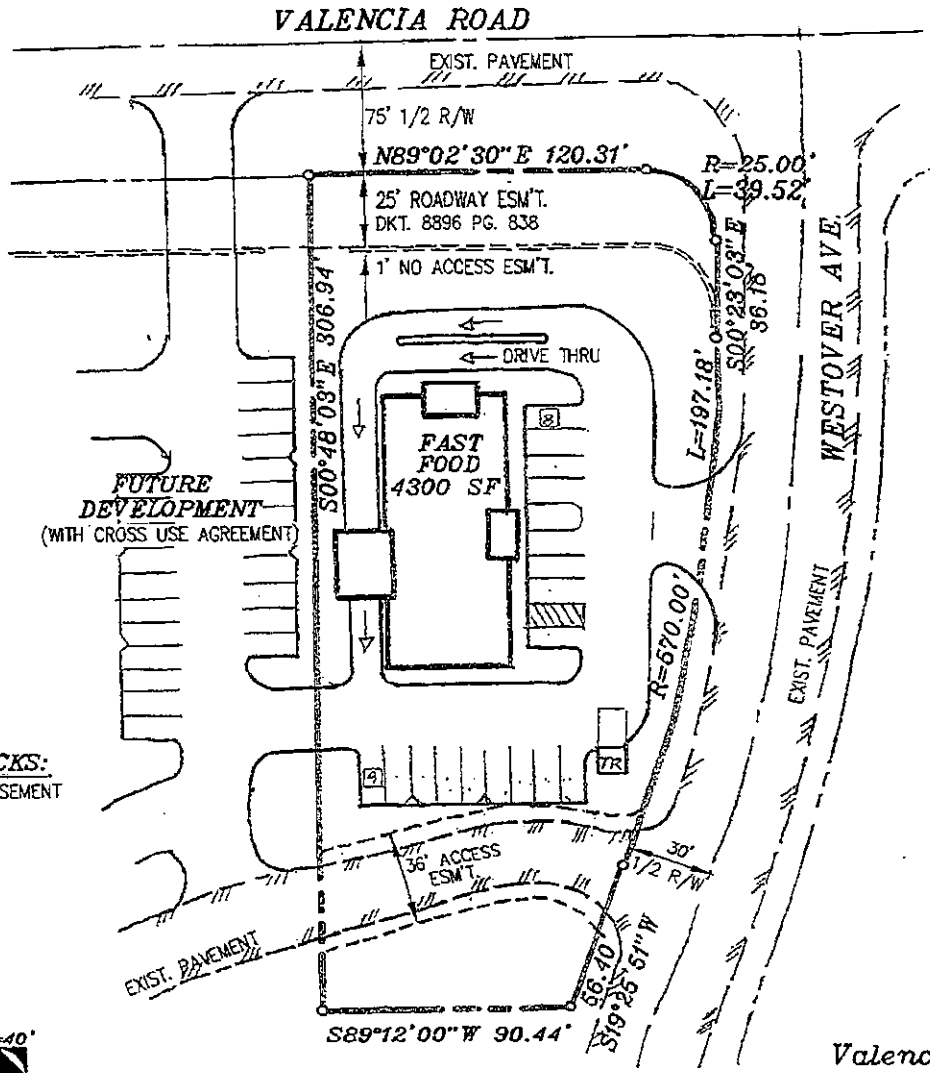
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 0.91 ac  
ds-October 22, 2020

P16RZ00010  
138255910



# EXHIBIT B

Original PDP



**PROPOSED BUILDING SETBACKS:**  
 FRONT: ...30' FROM EXIST. 25' ROADWAY EASEMENT  
 SIDE: .....0'  
 REAR: .....25'

REF.: R.O.S. BK 76 PG 72



WLB 116014A-001-0100

**REZONING SKETCH**  
 0.91 Acre Parcel  
 Southwest Corner  
 Valencia Rd. and Westover Ave.